

Amendment No. 1 to HB0017

Curcio  
Signature of Sponsor

**AMEND Senate Bill No. 188**

**House Bill No. 17\***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 39-11-611(b), is amended by adding the following language as a new subdivision:

(3) For purposes of this subsection (b), a person is not engaged in conduct that would constitute a felony or Class A misdemeanor or in a place where the person does not have a right to be if the person is engaged in the activity or in the place due to the person's status as a victim of human trafficking. The person must prove the person's status as a victim of human trafficking by clear and convincing evidence. The person may provide clear and convincing evidence of the person's status as a victim of human trafficking through testimony.

SECTION 2. Tennessee Code Annotated, Section 39-11-611, is amended by deleting subdivision (d)(3) and substituting instead the following:

(3)

(A) Notwithstanding § 39-17-1322, the person using force is engaged in conduct that would constitute a felony or Class A misdemeanor or is using the dwelling, business, residence, or occupied vehicle to further an unlawful activity;

(B) For purposes of subdivision (d)(3)(A), a person is not engaged in conduct that would constitute a felony or Class A misdemeanor or using a dwelling, business, residence, or occupied vehicle to further unlawful activity if the person is engaged in the activity or using the dwelling, business, residence, or occupied vehicle due to the person's status as a victim of human trafficking.

The person must prove the person's status as a victim of human trafficking by clear and convincing evidence. The person may provide clear and convincing evidence of the person's status as a victim of human trafficking through testimony; or

SECTION 3. Tennessee Code Annotated, Section 39-11-611(b), is amended by deleting the language "not engaged in unlawful activity" wherever it appears and substituting the language "not engaged in conduct that would constitute a felony or Class A misdemeanor".

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.